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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,575	03/25/2004	Arjan De Mes	GB920030013US1	7131
26502	7590	10/18/2007	EXAMINER	
IBM CORPORATION IPLAW SHCB/40-3 1701 NORTH STREET ENDICOTT, NY 13760			MAHMOOD, REZWANUL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,575

Applicant(s)

DE MES, ARJAN

Examiner

Rezwanul Mahmood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-41 and 46-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-41 and 46-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This action is in response to the communication filed on August 6, 2007.

Response to Amendment

2. Claims 1-33 and 42-45 have been cancelled.
3. Claims 46-53 have been added.
4. Claims 34-41 and 46-53 are now pending in this office action.

Response to Arguments

5. Applicant's arguments with respect to claims 34-41 and 46-53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

6. Claim 51 is objected to because of the following informalities:
7. In claim 51 line 1, the phrase "computer product" should be "computer program product". Appropriate correction is required.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 46-49 and 50-53 are rejected under 35 U.S.C. 101 because the claimed

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inventions are directed to non-statutory subject matter. The language of the claim raises a question whether the claim is directed merely to an abstract idea that is not tied to a environment or machine which would result in a practical operation producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 46 discloses a computer program product comprising instructions recorded on a computer readable media. Claims 50 discloses a computer program product comprising instructions recorded on a computer readable media

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps of acts to be a process not are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional description material *per se*.

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement.

Merely claiming **nonfunctional descriptive material**, i.e., **abstract ideas**, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 34-41 and 46-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn (US Publication 2002/0198962) in view of Bailey (US Patent 6,785,671).

12. With respect to claim 34, Horn discloses a method for displaying a web browsing history, said method comprising the steps of:

displaying a list of names of web sites visited by a user, said list of web site names being displayed in an order based on a time since last visit by said user to the respective web site (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figure 11; Figure 12);

However, Horn does not explicitly disclose:

displaying next to each of the web site names a respective graphic whose intensity corresponds to the time since last visit by said user to said each named web site.

The Bailey reference, however, discloses displaying a graphic rating (zero to five stars) of displayed result items, the number of stars corresponds to the level of

significance of a result to a search query (Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Horn with the teachings of Bailey to display next to each web site name a respective graphic whose intensity correspond to the time since last visit by a user for displaying results according to levels of significance to a user's search query (Bailey: Column 2, lines 29-32).

13. With respect to claim 35, Horn in view of Bailey discloses a method as set forth in claim 34 wherein the intensities of said graphics increase as the times since last visit by said user to the corresponding web sites decrease such that a graphic for a name of a web site which was more recently visited by said user is more intense than a graphic for a name of another web site which was less recently visited by said user (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Here the number of stars in the graphic correspond to the significance of a result, the graphic can have higher number of stars for recently visited sites and lower number of stars for less recently visited sites).

14. Claims 36-41 and 46-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn (US Publication 2002/0198962) in view of Bailey (US Patent 6,785,671) as applied to claims 34-35 above, and further in view of Sommerer (US Publication 2004/0003351).

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15. With respect to claim 36, Horn in view of Bailey discloses a method as set forth in claim 34, however Horn of Bailey does not explicitly disclose wherein said graphics have a color other than a shade of gray.

The Sommerer reference, however, discloses claimed graphics having a color other than a shade of gray (Sommerer: Paragraph 57, lines 20-27; Here the matches to a search query are highlighted in varied intensity of colors reflecting the quality of the match).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Horn and Bailey with the teachings of Sommerer to have a color other than a shade of gray for the graphics to provide a browser session navigation tool that allows a user to browse a complete record of user navigation (Sommerer: Paragraph 8, lines 2-4).

16. With respect to claim 37, Horn in view of Bailey and in further view of Sommerer discloses a method as set forth in claim 34 wherein said graphics adjoin each other to form a generally rectangular region perpendicular to said web site names (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Here the graphics for multiple results can adjoin each other to form a generally rectangular region perpendicular to the web site names).

17. With respect to claim 38, Horn in view of Bailey and in further view of Sommerer

discloses a method for displaying a web browsing history, said method comprising the steps of:

displaying a list of names of web sites visited by a user, said list of web site names being displayed in an order based on frequency of visits by said user (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figure 11; Figure 12); and

displaying next to each of the web site names a respective graphic whose intensity corresponds to a frequency of visits by said user to the respective named web site (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Sommerer: Paragraph 57, lines 20-27).

18. With respect to claim 39, Horn in view of Bailey and in further view of Sommerer discloses a method as set forth in claim 38 wherein the intensities of said graphics increase as the frequency of visits by said user to the corresponding web site increases such that a graphic for a name of a web site which was more frequently visited by said user is more intense than a graphic for a name of another web site which was less frequently visited by said user (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Sommerer: Paragraph 57, lines 20-27; Here the number of stars in the graphic correspond to the significance of a result, the graphic can have higher number of stars for recently visited sites and lower number of stars for less recently visited sites).

19. With respect to claim 40, Horn in view of Bailey and in further view of Sommerer discloses a method as set forth in claim 38 wherein said graphic has a color other than a shade of gray (Sommerer: Paragraph 57, lines 20-27; Here the matches to a search query are highlighted in varied intensity of colors reflecting the quality of the match).

20. With respect to claim 41, Horn in view of Bailey and in further view of Sommerer discloses a method as set forth in claim 38 wherein said graphics adjoin each other to form a generally rectangular region perpendicular to said web site names (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Here the graphics for multiple results can adjoin each other to form a generally rectangular region perpendicular to the web site names).

21. With respect to claim 46, Horn in view of Bailey and in further view of Sommerer discloses a computer program product for displaying a web browsing history, said computer program product comprising:

a computer readable media (Horn: Figure 22);

first program instructions to display a list of names of web sites visited by a user, said list of web site names being displayed in an order based on a time since last visit by said user to the respective web site (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figure 11; Figure 12); and

second program instructions to initiate display, next to each of the web site

names, of a respective graphic whose intensity corresponds to the time since last visit by said user to said each named web site (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Sommerer: Paragraph 57, lines 20-27); and wherein

said first and second program instructions are recorded on said media (Horn: Figure 22).

22. With respect to claim 47, Horn in view of Bailey and in further view of Sommerer discloses a computer program product as set forth in claim 46 wherein the intensities of said graphics increase as the times since last visit by said user to the corresponding web sited decrease such that a graphic for a name of a web site which was more recently visited by said user is more intense than a graphic for a name of another web site which was less recently visited by said user (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Sommerer: Paragraph 57, lines 20-27; Here the number of stars in the graphic correspond to the significance of a result, the graphic can have higher number of stars for recently visited sites and lower number of stars for less recently visited sites).

23. With respect to claim 48, Horn in view of Bailey and in further view of Sommerer discloses a computer program product as set forth in claim 46 wherein said graphics have a color other than a shade of gray (Sommerer: Paragraph 57, lines 20-27; Here

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the matches to a search query are highlighted in varied intensity of colors reflecting the quality of the match).

24. With respect to claim 49, Horn in view of Bailey and in further view of Sommerer discloses a computer program product as set forth in claim 46 wherein said graphics adjoin each other to form a generally rectangular region perpendicular to said web site names (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Here the graphics for multiple results can adjoin each other to form a generally rectangular region perpendicular to the web site names).

25. With respect to claim 50, Horn in view of Bailey and in further view of Sommerer discloses a computer program product for displaying a web browsing history, said computer program product comprising:

- a computer readable media (Horn: Figure 22);

- first program instructions to display a list of names of web sites visited by a user, said list of web site names being displayed in an order based on frequency of visits by said user (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figure 11; Figure 12); and

- second program instructions to initiate display, next to each of the web site names, of a respective graphic whose intensity corresponds to a frequency of visits by said user to the respective named web site (Horn: Paragraph 112, lines 1-14;

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Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Sommerer: Paragraph 57, lines 20-27); and wherein

said first and second program instructions are recorded on said media (Horn: Figure 22).

26. With respect to claim 51, Horn in view of Bailey and in further view of Sommerer discloses a computer program product as set forth in claim 50 wherein the intensities of said graphics as the frequency of visits by said user to the corresponding web site increases such that a graphic for a name of a web site which was more frequently visited by said user is more intense than a graphic for a name of another web site which was less frequently visited by said user (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Sommerer: Paragraph 57, lines 20-27; Here the number of stars in the graphic correspond to the significance of a result, the graphic can have higher number of stars for recently visited sites and lower number of stars for less recently visited sites).

27. With respect to claim 52, Horn in view of Bailey and in further view of Sommerer discloses a computer program product as set forth in claim 51 wherein said graphic has a color other than gray (Sommerer: Paragraph 57, lines 20-27; Here the matches to a search query are highlighted in varied intensity of colors reflecting the quality).

28. With respect to claim 53, Horn in view of Bailey and in further view of Sommerer discloses a computer program product as set forth in claim 51 wherein said graphics

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adjoin each other to form a generally rectangular region perpendicular to said web site names (Horn: Paragraph 112, lines 1-14; Paragraph 115, lines 1-9; Figures 11-12; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Here the graphics for multiple results can adjoin each other to form a generally rectangular region perpendicular to the web site names).

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Abaijan reference (US Patent 6,785,688) teaches about extracting metadata and grouping search results according to the attributes of the metadata. The Freeman reference (US Patent 6,638,313) teaches about a document stream operating system. The Sommerer reference (US Publication 2004/0001104) teaches about a resource browser session search. The Fries reference (US Publication 2002/0147724) teaches about a system for enhancing a query interface). The Adar reference (US Patent 6,493,702) teaches about searching and recommending documents in a collection using share bookmarks. The Martino reference (US Publication 2003/0160759) teaches about a method and system for displaying search results. The Englefield reference (US Patent 5,896,491) teaches about a system and method for executing functions associated with function icons. The Li reference (US Patent 6,631,496) teaches about a system for organizing and managing web systems.


Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rezwanul Mahmood whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 11, 2007.


SHAHID ALAM
PRIMARY EXAMINER


Rezwanul Mahmood
Examiner
Art Unit 2164